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RESOLUTION NO. 05-480

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING ASPHALT MAT PAVING IMPROVEMENTS ON **37TH STREET NORTH FROM MAIZE ROAD TO A POINT 1300 FEET WEST OF MAIZE ROAD (NORTH OF 37TH STREET NORTH, WEST OF MAIZE) 472-84044** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **ASPHALT MAT PAVING IMPROVEMENTS ON 37TH STREET NORTH FROM MAIZE ROAD TO A POINT 1300 FEET WEST OF MAIZE ROAD (NORTH OF 37TH STREET NORTH, WEST OF MAIZE) 472-84044** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **04-374** adopted on **July 20, 2004**, Resolution No. **04-464** adopted on **September 14, 2004**, and Resolution No. **05-363** adopted on **July 12, 2005** are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **asphalt mat paving improvements on 37th Street North from Maize Road to a point 1300 feet west of Maize Road (north of 37th Street North, west of Maize) 472-84044**.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Eighty-One Thousand Dollars (\$81,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **August 1, 2005**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

PRAIRIE POINTE ADDITION

Lots 1 through 37 and 39 through 42, Block 1

Lots 1 through 13, Block 2

Lots 1 through 10, Block 3

Lots 1 through 33, Block 4

Lots 1 through 4, Block 5

PRAIRIE POINTE 2ND ADDITION

Lot 1, Block 1
Lots 1 through 11, Block 2

THE ROYAL MAGNOLIA

Lot 1, Block A

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That said Lots 1 through 37 and 39 through 42, Block 1; Lots 1 through 13, Block 2; Lots 1 through 10, Block 3; Lots 1 through 33, Block 4; Lots 1 through 4, Block 5, PRAIRIE POINTE ADDITION and Lot 1, Block 1, and Lots 1 through 11, Block 2, PRAIRIE POINTE 2ND ADDITION shall each pay 618/81,000 of the total cost payable by the improvement district, and that Lot 1, Block A, ROYAL MAGNOLIA ADDITION shall pay 11,166/81,000 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, October 4, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)